

FORM PTO-1390U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV 5-93)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

9083-6

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/647,864

INTERNATIONAL APPLICATION NO.

PCT/AU99/00263

INTERNATIONAL FILING DATE

9 April 1999

PRIORITY DATE CLAIMED

9 April 1998

TITLE OF INVENTION

FLUID REGULATOR AND IMPROVEMENTS RELATED THERETO

APPLICANT(S) FOR DO/EO/US

Trevor CUNNINGHAM

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau. (courtesy copy enclosed.)
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

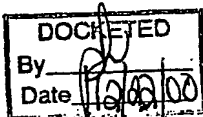
Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: **Small Entity Statements; Request for Refund of Filing Fee**

01/11/2001 TV0111 00000005 09647864

01 FEB 2001 03:00 PM

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) 09/647,864		INTERNATIONAL APPLICATION NO. PCT/AU99/00263		ATTORNEY'S DOCKET NUMBER 9083-6	
17. <input checked="" type="checkbox"/> The following fees are submitted:  <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO . . . . . \$860.00  International preliminary examination fee paid to USPTO (37 CFR 1.482). . . . . \$690.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . . . \$710.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO. . . . . \$1000.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4). . . . . \$96.00  ENTER APPROPRIATE BASIC FEE AMOUNT = 1000.00				CALCULATIONS	PTO USE ONLY
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	31-20 =	11	X \$18.00	\$	
Independent Claims	31-3 =	28	X \$80.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$65.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$40.00	
TOTAL FEES ENCLOSED =				\$105.00	
				Amount to be refunded	
				charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$105.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0220.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:  David D. Beatty Myers Bigel Sibley & Sajovec Post Office Box 37428 Raleigh, North Carolina 27627				<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">"Express Mail" mailing label number EL481795993US Date of Deposit: January 10, 2001  I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Commissioner for Patents, Washington, DC 20231.</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Meredith Schuessler</div> <div>Date of Signature: January 10, 2001</div> <div style="text-align: center; margin-top: 20px;"> SIGNATURE  DAVID D. BEATTY REGISTRATION NUMBER 38,071</div>	



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647864	CUNNINGHAM	T 9083-6
DAVID D BEATTY MYERS BIGEL SIBLEY & SAJOVEC POST OFFICE BOX 37428 RALEIGH, NC 27627		
INTERNATIONAL APPLICATION NO.		
PCT/AU99/00263		
I.A. FILING DATE		PRIORITY DATE
09 APR 99		09 APR 98
DATE MAILED: 19 DEC 2000		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☒ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 06 OCT 2000 and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
    - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

- ☐ PCT/DO/EO/917
- ☐ PTO-875
- ☐ FORM PCT/DO/EO/905 (December 1997)
- ☐ Notice of Defective Translation

Paulette Kidwell, Paralegal  
Telephone: 703-305-3656

PTO/PCT Rec'd 10 JAN 2001

Attorney's Docket No. 9083-6

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Trevor Cunningham**

Serial No.: **09/647,864**

Filed: **October 6, 2000**

For: ***Fluid Regulator and Improvements Related Thereto***

Date: January 10, 2001

Box PCT  
Commissioner for Patents  
Washington, DC 20231

REQUEST FOR REFUND OF FILING FEE

Sir:

The above-referenced patent application was mailed on October 6, 2000, along with the fees associated with filing as a large entity. Submitted herewith are two verified Small Entity Statements for the above-referenced application. Pursuant to the submittal of these Statements, the Applicant hereby respectfully requests a reduction of the filing fee by one half. Please refund our Deposit Account No. 50-0220 in the amount of \$1,719.00.

If we can be of further assistance in this matter, please feel free to contact the undersigned.

Respectfully submitted,



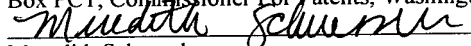
David D. Beatty  
Registration No. 38,071

Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, NC 27627  
Telephone (919) 854-1400  
Facsimile (919) 854-1401

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. **EL481795993US**  
Date of Deposit: **January 10, 2001**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box PCT, Commissioner For Patents, Washington, DC 20231.

  
Meredith Schuessler  
Date of Signature: January 10, 2001